

REMARKS

Claims 1-8, 10-19 and 21-31 are pending in this application. Claims 1-8 and 22-31 have been rejected. Claims 10-19 and 21 have been allowed. Claims 1, 22, 29, 30 and 31 have been amended. Support for these claim amendments may be found at least on page 5, lines 22-25 and page 7, line 12 through page 8, line 2 of the specification as originally filed. No new matter is being introduced by way of these amendments.

35 U.S.C. § 102 Rejections

Claims 1-8 and 22-31 have been rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al. ("A Method for Direct Audio Search with Applications to Indexing and Retrieval") (hereinafter "Johnson").

With regard to the rejection of claim 1, the Office Action dated May 6, 2005 states at page 8, part 6a that "the distance matrix" claimed by the Applicant "is the distance metric" described in Johnson. In addition, the Advisory Action dated July 28, 2005 states at part 11 that "claim 1 . . . does not clearly claim the distance matrix is generated by using the distance calculated using the distance metric" Applicant thanks the Examiner for providing feedback of how to more clearly point out the claimed invention. Applicant has amended claim 1 to be consistent with this feedback.

Turning now to the cited reference, Johnson describes comparing "the covariance matrix of the cue audio with that of segments of the same size in the audio data to be searched" using a distance metric. (See page 1428, second paragraph of Section 2.2, lines 10-17.) However, Johnson does not describe generating a distance matrix containing entries of distance values generated using a distance metric as claimed in now amended claim 1. In one embodiment of the present invention, each element of a distance matrix may be a distance value between two covariance matrices calculated using a distance metric, such as the Arithmetic Harmonic Sphericity (AHS) distance described in Johnson. (See Figure 4 and page 7, line 12 through page 8, line 2 of the specification as originally filed). Thus, the distance matrix of base claim 1 is not the same as the distance metric described in Johnson.

Because Johnson does not disclose the generation of a distance matrix as set forth in now amended base claim 1, (“comparing . . . using a distance metric to generate distance values; generating . . . a distance matrix containing entries of the distance values”), Applicant respectfully requests that the rejection of base claim 1 be withdrawn.

Since dependent claims 2-8 depend from base claim 1, they are likewise not anticipated by Johnson. Thus, Applicant respectfully requests that the rejection of claims 2-8 be withdrawn.

Independent claims 22, 29, 30 and 31 have been amended to include similar limitations as now amended claim 1. Therefore, Independent claims 22, 29, 30 and 31 should be allowable for at least the same reasons as stated above with respect to claim 1.

Because claims 23-28 depend from base claim 22, Applicant respectfully submits that these dependent claims should be allowed for at least the same reasons as stated above with respect to claim 1.

Accordingly, withdrawal of the § 102 rejection of Claims 1-8 and 22-31 is respectfully requested.

Allowed Claims

Applicant acknowledges that claims 10-19 and 21 have been allowed.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims (Claims 1-8, 10-19 and 21-31) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

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